

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

<b>JAMES JOHNSON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Civil Action, Case No.: 1:14-cv-1020</b>
<b>v.</b>	)	
	)	
<b>COX OIL COMPANY, INC.</b>	)	<b>JURY DEMAND</b>
	)	
<b>Defendant.</b>	)	

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**JOINT RESPONSE TO ORDER TO SHOW CAUSE WHY SANCTIONS SHOULD NOT  
BE IMPOSED FOR FAILURE TO COMPLY WITH ORDERS OF THE COURT**

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NOW COME the parties, by and through their undersigned counsel, and files this Joint Response to Order to Show Cause Why Sanctions Should Not Be Imposed for Failure to Comply With Orders of the Court. Counsel for the parties have discussed settlement on numerous occasions throughout the course of this case. Plaintiff has made several informal offers. Defendant rejected Plaintiff's offers and defense counsel never was authorized to make an offer of settlement. Still, defense counsel expected to be able to get the case to mediation after depositions had been taken.

After the failed efforts at informal settlement and following the parties' depositions, however, Defendant stated that it would not settle the case. Accordingly, the parties did not engage in any ADR because Defendant claimed that any efforts would be futile. Counsel regret their inability to file an ADR report but they had no information to provide the Court given the posture of the matter.

Engaging in mediation would have been futile based on Defendant's position with respect to settlement. Counsel acknowledge their error in failing to file a status report regarding ADR status but believe it was excusable neglect under the circumstances. Accordingly, counsel respectfully request that the Court not impose sanctions.

Respectfully submitted,

<u>s/ D. Wes Sullenger</u> D. Wes Sullenger, KY BAR # 91861 TN BPR # 021714  Sullenger Law Office, PLLC 100 Fountain Avenue, Suite 317 Paducah, KY 42001 Voice: (270) 443-9401 Fax: (270) 443-3624  <a href="mailto:wes@sullengerfirm.com">wes@sullengerfirm.com</a>  <i>Attorney for the Plaintiff,</i> <i>James Johnson</i>	<u>s/ James H. Stock, Jr. w/ perm. DWS</u> James H. Stock, Jr., Esq. Jackson Lewis P.C. 999 Shady Grove Road, Suite 110 Memphis, TN 38120          <i>Attorney for Defendant,</i> <i>Cox Oil Company, Inc.</i>
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### **CERTIFICATE OF SERVICE**

I hereby certify that, on this 12<sup>th</sup> day of March, 2015, a copy of the foregoing was filed, via the Court's CM/ECF system, which will send a notice of electronic filing to:

James H. Stock, Jr., Esq.  
Jackson Lewis P.C.  
999 Shady Grove Road, Suite 110  
Memphis, TN 38120

s/ D. Wes Sullenger  
D. Wes Sullenger